

14.00.00.00 - PROJECT CERTIFICATION

14.01.00.00 - INTRODUCTION

14.01.01.00 General

This chapter defines and describes the nature, uses, and procedures of R/W Certifications essential for project delivery. For purposes of this chapter, the term project certification refers specifically to the R/W Certification.

14.01.01.01 Definition

R/W Certification is a written statement summarizing the status of all right of way related matters pertaining to a proposed construction project. The purpose of the R/W Certification is to document the construction project is ready for advertising and states:

- Real property interests have been, or are being, secured.
- Physical obstructions including utilities and railroads have been or will be removed, relocated, or protected as required for construction, operation, and maintenance of the proposed project.
- Right of way acquisition and relocation assistance program requirements were conducted in accordance with applicable federal and state laws and procedures.

There are three levels of Certifications recognized by the Federal Highway Administration (FHWA) and four utilized by the State. The FHWA recognizes Certification levels 1, 2, and a (3) Work Around. A project may be advertised, bid proposals opened, and a contract awarded using these Certification levels. Additionally the State uses a Right of Way Certification #3. This level of Certification allows for the project to be advertised only, bids MAY NOT be opened. Criteria for using these Certifications can be found in Chapter 14.02.00.00.

14.01.02.00 Projects Requiring R/W Certification

The DDC-R/W must certify the following types of projects.

- Any construction project for which Plans, Specifications, and Estimates (PS&E) are submitted to the district/region or Headquarters Office of Office Engineer, referred to as Office Engineer or DOE/HQOE,) for contract advertisement and award.
- Any construction project where federal funds will participate in all or a portion of the cost of right of way acquisition or construction.
- Any construction project that is authorized for district/region contract advertisement and award.
- Any construction project to be undertaken by day labor, casual labor, or force account.

14.01.03.00 Projects Exempt From R/W Certification

Projects conducted solely for the purpose of emergency reopening of transportation facilities under authority of Government Code Sections 14120-23 are exempt from formal R/W Certification processes if no PS&Es are prepared.

14.01.04.00 Responsibility for R/W Certification

The DDC-R/W is responsible for Certification of the status of right of way to the Project Manager for project advertisement or contract award.

District/Region R/W confirms or rescinds Certification to the Project Manager, and district/region or Headquarters Office Engineer

All matters affecting the validity of a previously issued R/W Certification shall be brought to the attention of the Project Manager to determine the need to update or rescind the original Certification.

14.01.04.01 **Input to PMCS and IRWS**

On the date that district/region R/W certifies the project, the district/region shall enter the R/W Certification number and date into PMCS and IRWS (PMCS EVNT ADV Screen, IRWS PLNI & ACQ12, etc.).

14.01.04.02 **Certification Rescinded by District/Region**

When a district/region rescinds a R/W Certification, for reasons such as design changes prior to advertising or discovery of facts that otherwise make the certification invalid, it shall remove the Certification date from PMCS. The District/Region Project Manager, district/region or Headquarters Office Engineer, and FHWA, when necessary, shall be notified in writing that the R/W Certification has been rescinded.

14.01.04.03 **Project Canceled by Office Engineer**

When the district/region or Headquarters Office Engineer cancels a project, it will notify the DDC-R/W in writing. District/Region R/W shall rescind the R/W Certification, remove the Certification date from PMCS, and enter a new Certification target date (Month-Year) if necessary.

14.01.05.00 **Age of Certification**

For projects not yet listed for advertising, district/region R/W shall update any Certification over one year old, and when requested by the Project Manager or district/region or Headquarters Office Engineer. (See Section 14.01.08.00 also.)

14.01.06.00 **Unusual Project Circumstances**

"Unusual circumstances" are any deviations from the requirements or standard practices outlined in this chapter. When there are unusual circumstances in a project, the district/region shall forward a full explanation of the circumstances to HQ RW for approval prior to certification and at least one month prior to the project advertising date. The approval should be included in the Certification or in an attachment and made a part of the Certification.

14.01.07.00 **Modifications to R/W Certifications**

District/Region R/W shall not take action on verbal requests to alter significant factual data in a Certification until the Project Manager or the Office Engineer confirms the request in writing. The request must be attached to and made a part of the original Certification. Revised Certifications must have the word "Revised" clearly stamped and centered at the top of the front page.

14.01.08.00 **Project Design Changes**

A R/W Certification must be updated when the project design changes, even if the right of way requirements have not changed. In cases of design changes that affect right of way, the Project Manager should allow at least six months prior to the new scheduled project advertising date to assure timely clearance of the new Certification.

14.01.08.01 **Split and Combined Projects**

Occasionally a large project that has been certified under a single EA is split into several smaller projects, which are then advertised under separate EAs. In these cases a separate (and new) R/W Certification is required for each project EA. Two or more separately advertised projects shall not be combined in a single Certification. Each advertised project must have a separate Certification matching the specific project PS&E.

Conversely, when two projects are combined into one project for advertising and construction, a new R/W Certification must be prepared for the combined project being advertised. (See Section 14.03.02.00.)

14.01.09.00 **Local Public Agency (LPA) Work for State Project**

A construction project on a state highway may include work on LPA streets or roads where the LPA acquires some or all of the required right of way. This includes tax measure and privately funded projects (see Section 14.01.09.02). Those parcels the LPA acquires for the construction project on a state highway, or as part of the state's contract, must be included in the district/region's Certification. Any other applicable work done by an LPA must also be included, such as clearance, utility relocation, and relocation assistance. Complete documentation of the LPA acquisitions and Certification shall be retained in the district/region certification file.

14.01.09.01 **Certification for Local Streets and Roads Projects**

See R/W Manual Chapter 17 for Certification procedures for Local Streets and Roads projects with federal funding.

14.01.09.02 **Certification of Specially Funded Projects on State Highway System**

Government Code Section 14529.13 requires Caltrans to accept the completed project (tax measure, locally or privately funded) into the state highway system if the project was Caltrans approved and the right of way was acquired and the project was constructed in accordance with Caltrans' practices. (See R/W Manual Chapter 17 for details for Certification of this project type.)

14.01.10.00 **Certifications and Hazardous Waste**

Currently there is no requirement for R/W to certify the status of hazardous waste on a project. Typically Project Development's Attachment A in the PS&E package addresses and attests to the existence and mitigation of hazardous waste.

14.01.11.00 **Certification for Design/Build Projects**

R/W identifies candidate projects for design/build contracts at the estimating stage of project development (see Estimating Chapter 4). R/W can certify a project when design is complete and prior to construction. R/W may certify on any design/build project if all the following prerequisites are met.

- All proposed work shall be accomplished entirely within existing right of way (no acquisition of right of way, access control, or encroachment permits).
- Railroad operating facilities are not affected.
- Utility relocations are not required.
- No airspace leased properties or Caltrans facilities are in use.
- No relocation assistance requirements exist.
- No parcels require environmental mitigation.

These requirements do not preclude obtaining any desired Construction Permits or Permits To Enter And Construct, as long as these permits are consistent with provisions of Acquisition Chapter 8, Section 8.09.10.00, and Exhibit 8-EX-26 or 8-EX-27. These permits provide no permanent right to the state and may be used when the state would not condemn for the rights secured. Also, the above requirements do not preclude contractors from obtaining their own desired material and disposal sites, as long as mandatory sites are not required for the project.

When a project is selected for a design/build contract, R/W must coordinate closely throughout the design phase to assure that all R/W matters are addressed to conform with the design/build certification format (see Exhibit 14-EX-13). Design approval and R/W Certification should be concurrent.

To meet the requirements of 23 CFR 635.309 (c) (1), language will be added to the Special Provisions of all design/build contracts similar to the following:

"The project shall be designed and constructed entirely within existing State rights of way as shown on state Record Maps. It shall be the Contractor's responsibility to perform all necessary surveying to establish on-the-ground boundaries of State's right of way.

"The State will provide approximate locations of all known utility facilities within the project limits. The Contractor shall be responsible for accurately identifying and locating all utility facilities, and shall prepare structure and roadway plans in such a manner that all necessary footings, pilings, excavations and methods of construction shall avoid rearrangement of existing utility facilities.

"The Contractor shall adhere to all requirements specified in the Department's 'Policy on High and Low Risk Underground Facilities Within Highway Rights of Way.'

"No construction shall begin until Caltrans design approval and R/W Certification have been concurrently issued."

14.01.12.00 **R/W Certification File**

The district/regions shall maintain R/W Certification files containing pertinent documents related to the certification of a project, such as but not limited to:

- A diary for recording relevant information about the project.
- The project schedule, project design changes, and correspondence to and from Project Development and the Project Manager.
- Any necessary HQ RW and FHWA approvals of unusual project circumstances.
- All clearance documents from various R/W functional areas.
- The original Certification.

The R/W Certification file shall be transferred to the project file system immediately after the project is certified and the contract has been awarded.

14.01.12.01 **Project File System**

District/Region P&M shall maintain a project file system that contains at a minimum the following documents:

- R/W Data sheet.
- R/W Certification file containing the original R/W Certification.
- Title VI Survey Forms.
- Other project-related correspondence.

14.01.12.02 **Functional Clearances and Record Retention**

R/W functional clearances must be documented in the district/region R/W Certification files. The minimum requirement to certify a project is to obtain clearance memorandums from the utilities and railroads functions. Such clearances, together with the original R/W Certification and any pertinent correspondence, will be retained in accordance with the Department's Standardized Records Disposition Schedule for R/W project general files.